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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,982	01/13/2004	Ali Saffari	IGT1P208F/P-888F	2263
22434	7590	12/31/2007		
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/755,982

Applicant(s)

SAFFARI ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-19,21-26,28-33,35-42 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-19,21-26,28-33,35-42 and 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/11/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 10/3/07 in which applicant amends claims 1, 3, 10, 12, 19, 21, 26, 28, 33, 35, 42, and 44, cancels claims 2, 11, 20, 27, 34, and 43 and responds to the claim rejections. Claims 1, 3-10, 12-19, 21-26, 28-33, 35-42, and 44-48 are pending.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Marnell, II ("Marnell") (U.S. 5,393,057).

Marnell discloses an electronic gaming apparatus including an electronic primary gaming device, such as a slot machine and an electronic secondary gaming device, such as a bingo-type device. The slot machine is electrically coupled to the electronic secondary gaming device, and the slot machine is responsive to the occurrence of selected events, such as coin/credit inputs and slot machine reel combinations, for input into the secondary gaming device. Consequently, the occurrence of symbols obtained on the slot machine reels produces selection of a space in the bingo matrix of a bingo-type gaming device. A plurality of slot machines can be electrically coupled, to a common bingo gaming device for simultaneous play of a single bingo game by a plurality of players, each of whom is playing his or her own individual slot machine game. Moreover, players may play for a progressive prize which is incremented as a function of, or in proportion to, the coin/credit in to the slot machines. Marnell requires a minimum bet to be eligible for the progressive prize. A player obtains a progressive prize by filling or partially filling a bingo matrix. Furthermore, a player may

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obtain an award based upon the outcome obtained in the base slot machine game. Marnell additionally discloses:

Regarding Claims 1, 10, 19, 26, 33, and 42:

A method for conducting a wagering game and an associated progressive jackpot, comprising:

- receiving a deposit of an amount of a medium of currency by a player at a gaming unit (4:19-20, 46-56, 5:39-55, 6:43-47);
- receiving input for a player's wager on an occurrence of the wagering game at an input device of the gaming unit (4:19-20, 46-56, 5:39-55, 6:43-47);
- subtracting the amount of the player's wager on the occurrence of the wagering game from the player's available credit at the gaming unit in response to receiving the input for the player's wager, wherein the player's available credit corresponds to the amount of the medium of currency deposited at the gaming unit (4:19-20, 46-56, 5:39-55, 6:43-47);
Although Marnell does not recite the exact language, Marnell inherently subtracts the amount of a player's wager and the progressive amounts, otherwise, Marnell would not operate as intended.
- comparing the amount of the player's wager on the occurrence of the wagering game to a minimum wager amount (4:19-20, 46-56, 5:39-55, 6:43-47);
- subtracting a progressive jackpot wager amount from one of the player's available credit and the credits subtracted from the player's available credit if the player's wager is greater than or equal to a minimum wager amount (at least 3 coins/credits for instance) (4:19-20, 46-56, 5:39-55, 6:43-47); Although Marnell does not recite the exact language, Marnell

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inherently subtracts the amount of a player's wager and the progressive amounts, otherwise, Marnell would not operate as intended.

- adding the progressive jackpot wager amount to a progressive jackpot pool for the progressive jackpot (4:63-5:4);
- determining an outcome for the player for the occurrence of the wagering game (6:14-27); and
- awarding at least a portion of the progressive jackpot pool to the player if the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome and the player's wager is greater than or equal to the minimum wager amount (6:14-27 and 10:7-26);
- wherein the wagering game is a multi-player wagering game wherein each player has a unique game array of game indicia (bingo card/bingo numbers) for the occurrence of the wagering game and individual game indicia are sequentially selected from the range of game indicia, wherein one of the players wins the occurrence of the wagering game by matching a predetermined game winning pattern of game indicia on the player's unique game array with the sequentially selected game indicia, and wherein the outcome of the occurrence of the wagering game is a predetermined progressive jackpot winning outcome if a pattern on the player's unique game array formed by game indicia on the unique game array matching sequentially selected game indicia matches a predetermined progressive jackpot winning pattern (2:63-68, 4:63-5:7, 5:61-68, 6:18-27, 43-65, 9:49-10:23).

Regarding Claims 3, 12, 21, 28, 35, and 44:

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A method for conducting a wagering game and an associated progressive jackpot in accordance with claim 2,

- wherein the outcome of the occurrence of the wagering game is a predetermined progressive jackpot winning outcome if the player matches the predetermined progressive jackpot winning outcome within a predetermined maximum number of sequentially selected game indicia (2:63-68, 4:63-5:7, 5:61-68, 6:18-27, 43-65, 9:49-10:65).

Regarding Claims 4, 13, 22, and 36:

A method for conducting a wagering game and associated progressive jackpot in accordance with claim 1,

- comprising subtracting the progressive jackpot wager amount from the player's available credit (4:19-20, 46-56, 5:39-55, 6:43-47); Although Marnell does not recite the exact language, Marnell inherently subtracts the amount of a player's wager and the progressive amounts, otherwise, Marnell would not operate as intended.

Regarding Claims 5, 14, and 37:

A method for conducting a wagering game and associated progressive jackpot in accordance with claim 1,

- comprising subtracting the progressive jackpot wager amount from the credits subtracted from the player's available credit (4:19-20, 46-56, 5:39-55, 6:43-47); Although Marnell does not recite the exact language, Marnell inherently subtracts the amount of a player's wager and the progressive amounts, otherwise, Marnell would not operate as intended.

Regarding Claims 6, 15, 29, 38, and 45:

A method for conducting a wagering game and associated progressive jackpot in accordance with claim 1,

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- wherein the progressive jackpot wager amount is equal to a predetermined fixed wager amount (5:37-50).

Regarding Claims 7, 16, 23, 30, 39, and 46:

A method for conducting a wagering game and associated progressive jackpot in accordance with claim 1,

- wherein the progressive jackpot wager amount is equal to a predetermined percentage of the player's wager for the occurrence of the wagering game (5:37-50). This feature is inherent to the wager in the game. That is, if a maximum bet is required in order to play for the progressive jackpot, then the predetermined amount is equal to a predetermined percentage of the maximum wager input by the player.

Regarding Claims 8, 17, 24, 31, 40, and 47:

A method for conducting a wagering game and associated progressive jackpot in accordance with claim 1,

- comprising displaying graphics corresponding to an outcome of the player's progressive jackpot wager at the gaming unit if the player's wager is greater than or equal to the minimum wager amount (2:63-68, 4:63-5:7, 5:61-68, 6:18-27, 43-65, 9:49-10:23).

Regarding Claims 9, 18, 25, 32, 41, and 48:

A method for conducting a wagering game and associated progressive jackpot in accordance with claim 1,

- wherein the minimum wager amount is equal to the maximum wager that the player may make for an occurrence of the wagering game (5:37-50). The minimum wager amount that is required to play for the progressive prize may be the maximum wager required to play the slot machine game.

Response to Arguments

3. Applicant's arguments filed 10/3/07 have been fully considered but they are not persuasive.
4. Applicant alleges Marnell does not inherently teaching subtracting a progressive wager amount from a player's available credit if the player's wager is greater than or equal to a minimum wager amount. One reason Applicant alleges this limitation is not met is that Marnell's secondary game does not have to be a progressive. Whether Marnell's game has to be a progressive game or not is immaterial. Clearly, Marnell discloses the secondary game is a progressive game throughout the reference. Furthermore, at least a minimum bet is required to play. Moreover, said bet must be deducted from the player's balance stored in memory for Marnell to operate. Applicant's arguments are unclear.

Additionally, Applicant alleges Marnell does not disclose the features recited in claim 3 and that the Examiner has not provided a specific reference that properly addresses this claimed feature. The Examiner respectfully disagrees. The previous office actions provided citations in the reference that address claim 3. Instead of clearly pointing out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made, Applicant gives a blanket statement alleging the claims are not properly addressed. Further, they do not show how the amendments avoid such references or objections.

For the aforementioned reasons, the Examiner maintains the previous rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Scott E. Jones/
Primary Examiner
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SEJ